

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: *Continued from May 10, 2004 - Ordinance No. 2004-897 amending Ordinance No. 2001-751 by adding stipulations #33 and #34 to allow for a twenty-five foot (25') building setback on Virginia Avenue and a twenty-foot (20') building setback on 140th Avenue for an office building proposed to be constructed on a 1.136-acre parcel generally located on the northwest corner of Litchfield Road and Virginia Avenue within Phase II of the Palm Valley master plan (Case Z-20-03).*

STAFF PRESENTER: Karen Keith

COMPANY CONTACT: John Romack – Romack Builders, Don Bennett – Don Bennett and Associates, and T.A. Shover – SunCor Development Company

RECOMMENDATION:

City Council adopt Ordinance No. 2004-897 amending Ordinance No. 2001-751 by adding stipulations #33 and #34 as follows:

Stipulation #33: The minimum building setback on the west side of the property adjacent to 140th Avenue shall be twenty-feet (20'). The minimum building setback on the south side of the property adjacent to Virginia Avenue shall be twenty-five feet (25'); and,

Stipulation #34: Applicant shall enhance building architecture at the corner entry feature to provide for more articulation in the wall and rooflines to create enhanced interest. Said changes shall be reviewed by staff in the Site Plan Review process.

COMMUNITY BENEFIT:

- Based on the City's fiscal impact analysis, the proposed office development will result in an overall positive fiscal impact to the general fund over a ten-year period.
- The office development provides a buffer between a six-lane arterial roadway (Litchfield Road) and single-family residential development to the west.

DISCUSSION:

Case Z-20-03 was first considered by the City Council at their regular meeting on May 10, 2004, at which time the application was postponed. Concerns were expressed regarding the building architecture, relative scale to that of adjacent buildings and sight lines to nearby single-family residential properties. In response to these concerns, the applicant met with representatives from SunCor and city staff. The exterior of the building was modified to provide for an earth-tone body color as well as additional stacked stone which was extended to the top of the building on all corners. A 3-D rendering was provided demonstrating a view of the building from the intersection of Litchfield and Virginia to better illustrate the building form, including projections, recesses, etc. The applicant also took photographs from a height of eighteen feet (18')

on the property looking down in the northwest direction toward the nearest single-family residential lot (T.W. Lewis, Palm Valley Phase II Parcel 7, lot 67. Eighteen feet (18') is the anticipated height of a person standing looking out of a second story window from the proposed building. An exhibit is also attached demonstrating the relative scale of adjacent commercial buildings. While not provided on the exhibit, it may be helpful to note that the length of building frontage along Litchfield Road for the Palm Valley Office Park is approximately 280 feet. This proposed office building is approximately 105' in length along the east side (Litchfield Road).

Case Z-20-03 is an application submitted by SunCor Development Company requesting an amendment to Ordinance No. 2001-751, which conditionally approved an amendment to the Palm Valley Phase II Planned Area Development (PAD) zoning.

Ordinance No. 2001-751 conditionally approved a rezoning of approximately 29.3 acres which affected the land use designations of various parcels located within Phase II of the Palm Valley master plan. Parcels located on the west side of Litchfield Road south of the RID Canal were rezoned from residential to commercial and church designations through this action (see attached exhibit). Since that time, commercial development commenced with the construction of M&I Bank, West Valley Vision and the Palm Valley Animal Clinic. At this time, Don Bennett & Associates and Romack Builders are in the process of acquiring 1.136 acres from SunCor Development Company to construct a two-story office building at the northwest corner of Litchfield Road and Virginia Avenue, directly south of Palm Valley Animal Clinic. The 2001 zoning action provided an MUC (Mixed Use Commercial) classification on the Palm Valley Master Plan upon these properties which is the equivalent of the City of Goodyear's General Commercial (C-2) Zoning District. The C-2 Zoning District provides a minimum street side setback of thirty-feet (30').

The proposed building is planned to be two (2) stories and contain approximately 14,366 square feet of office space. Preliminary building elevations, site plan and landscape plan are attached to illustrate the conceptual development plan for this 1.136-acre parcel.

The zoning for the subject property stipulated compliance with the criteria of the C-2 (General Commercial) Zoning District, which provides a maximum building height of thirty feet (30'). Article 8 of the Zoning Ordinance permits an additional five feet (5') for parapets and/or cornices typically used to screen roof-mounted equipment and provide architectural interest to the roofline. The height of the proposed office building is thirty-two feet (32'). The applicant employed an additional two feet (2') to allow the opportunity to design a more interesting entry, be able to break up the horizontal rooflines, hide roof equipment and create a more dramatic statement on the site. The applicant is seeking relief on the minimum street side setback for the west and south sides of the parcel. The parcels in this corridor were created by SunCor to provide for commercial development with Litchfield Road frontage while being set back from the proposed single-family residential development to the west by 140th Avenue thereby creating either two (2) or three (3) potential street sides for each parcel. Staff directed the applicant to maintain the minimum thirty-foot (30') street side setback along Litchfield Road. This proposal to deviate from Zoning Ordinance standards related to minimum setbacks requires Planning & Zoning Commission and City Council approval of an amendment to add new stipulations addressing these specific development standards for this parcel only.

Location of the property bounds the proposed development by three (3) street sides, each requiring minimum thirty-foot (30') landscape setbacks per the Zoning Ordinance. In addition, the Zoning Ordinance requires a ratio of one (1) parking space per every 300 square feet of floor area and one (1) space per 150 square feet of indoor clinic floor area. The general office ratio requires forty-nine (49) parking spaces on site for the proposed 14,366-square foot building. The required setbacks, in addition to site development requirements including but not limited to parking spaces, drive aisles, landscaping, etc. impacts the ability to develop the site thereby justifying the review of this minor amendment which is permitted within PADs (Planned Area Development).

In accordance with the Goodyear Citizen Review Ordinance, a Citizen Review meeting was conducted on December 10, 2003 (see attached notification) at which there was attendance by the applicant, City staff and five (5) property owners who reside within Phase I of Palm Valley on the east side of Litchfield Road. Those in attendance conveyed opposition to this proposal, suggesting the proposed building will negatively impact their residential properties on the opposite side of Litchfield Road. Staff then directed the applicant to install a flag pole at the proposed building height and Litchfield Road setback to provide a visual demonstration for those interested residents (see attached photographs). Staff does not view the proposed height as objectionable. A building at thirty-feet (30') in height with an additional five feet (5') is permitted by right and would not require Planning Commission recommendation and City Council approval.

Following Planning & Zoning Commission and City Council approval of this request, the development is subject to compliance with the Site Plan Review and construction plan review processes.

The Planning Commission recommended approval of this request at their regular meeting on January 21, 2004 with a vote of 6-1. Ms. Osborne voted nay to be consistent with her previous opposition to the granting of commercial zoning in this area. There was no attendance from any of the property owners who previously voiced opposition at the Citizen Review meeting. Since that time, the commercial division of SunCor has reviewed the proposed site plan and building elevations. Their review is reflected in the submittal that was provided by the applicant to the City for Site Plan Review.

FISCAL IMPACT:


The proposed office building will result in an overall positive fiscal impact upon the General Fund through construction sales tax and retail sales tax from any proposed retail tenants.


Alternatives

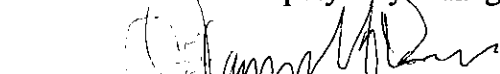
The alternatives to approving this request for a zoning amendment include a continuance or a denial of the application. A continuance would be a viable alternative should Council recognize certain aspects of the request that require additional evaluation. City Council may elect to deny this zoning amendment application if Council views the requested height waiver as inappropriate in the proposed location or contradictory to the goals and objectives of the General Plan, the Palm Valley Master Plan and the Zoning Ordinance. Should Council

choose to deny this request, the applicant will be subject to compliance with the current commercial development standards provided for in the City of Goodyear Zoning Ordinance which allow for a minimum thirty-foot (30') street side setback on three (3) sides of the property.

REVIEWED BY:


Harvey Krauss – Com. Dev. Director


Grant Anderson – Deputy City Manager


Jim Oeser – City Attorney


Larry Price – Finance Director


Stephen Cleveland – City Manager

PREPARED BY:


Karen Keith – Planner II

ORDINANCE NO. 04-897

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, STATE OF ARIZONA ADDING STIPULATION NOS. 33 and 34 TO ORDINANCE NO. 2001-751 TO PROVIDE FOR A TWENTY-FIVE FOOT (25') BUILDING SETBACK ON VIRGINIA AVENUE AND A TWENTY-FOOT (20') BUILDING SETBACK ON 140TH AVENUE FOR AN OFFICE BUILDING PROPOSED TO BE CONSTRUCTED ON A 1.136-ACRE PARCEL GENERALLY LOCATED ON THE NORTHWEST CORNER OF LITCHFIELD ROAD AND VIRGINIA AVENUE WITHIN PHASE II OF THE PALM VALLEY MASTER PLAN; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Goodyear Planning and Zoning Commission held a public hearing on Zoning Case Z-20-03 on January 21, 2004, in the manner prescribed by law, for the purpose of considering the addition of Stipulation Nos. 33-35 to Ordinance No. 2001-751 providing for a twenty-five foot (25') building setback on Virginia Avenue and a twenty-foot (20') building setback on 140th Avenue for an office building proposed to be constructed on a 1.136-acre parcel generally located on the northwest corner of Litchfield Road and Virginia Avenue within Phase II of the Palm Valley master plan of the rezoned property;

WHEREAS, due and proper notice of such public hearing before the City of Goodyear Planning and Zoning Commission was given in the time, form, substance and manner provided by law including publication of such notice in THE WEST VALLEY BUSINESS on November 26, 2003; and,

WHEREAS, the City of Goodyear Planning and Zoning Commission has recommended to the Mayor and Council of the City of Goodyear, Arizona that it add Stipulation Nos. 33-35 to Ordinance No. 2001-751 providing for a twenty-five foot (25') building setback on Virginia Avenue and a twenty-foot (20') building setback on 140th Avenue for an office building proposed to be constructed on a 1.136-acre parcel generally located on the northwest corner of Litchfield Road and Virginia Avenue within Phase II of the Palm Valley master plan of the rezoned property.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Goodyear, Arizona that:

SECTION I. Amendment to Ordinance No. 2001-751. Stipulation Nos. 33 and 34 of Ordinance No. 2004-897 is hereby added to read as follows:

Stipulation #33: The minimum building setback on the west side of the property adjacent to 140th Avenue shall be twenty-feet (20'). The minimum building setback on the south side of the property adjacent to Virginia Avenue shall be twenty-five feet (25'); and,

Stipulation #34: Applicant shall enhance building architecture at the corner entry feature to provide for more articulation in the wall and rooflines to create enhanced interest. Said changes shall be reviewed by staff in the Site Plan Review process.

SECTION II. Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION III. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Goodyear, Arizona, this ____ day of May, 2004.

APPROVED this ____ day of May, 2004.

James M. Cavanaugh, Mayor

Date

ATTEST:

Dee Cockrum, City Clerk

APPROVED AS TO FORM:

James H. Oeser, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA

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)ss.

County of Maricopa)

I, the undersigned, Dee Cockrum, being the duly appointed, qualified and acting City Clerk of the City of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2004-897 is a true, correct and accurate copy of Ordinance No. 2004-897, passed and adopted at a regular meeting of the Council of the City of Goodyear, Maricopa County, Arizona, held on the ____ day of May, 2004, at which a quorum was present and, by a _____ vote, voted in favor of said ordinance.

Given under my hand and sealed this _____, 2004.

City Clerk

Litchfield/Virginia Office Building
P.A.D. Amendment – Case Z-20-03

Litchfield Road – building scale comparison exhibit

